

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JAIME VALOIS,**

**Plaintiff,**

**v.**

**CIV No. 08-1092 LAM**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

**ORDER GRANTING EAJA FEES**

**THIS MATTER** is before the Court on Plaintiff's *Motion for Approval of Attorney Fees Under the Equal Access to Justice Act* (hereinafter, "**Motion**") (*Doc. 26*). The Court has considered the *Motion* (*Doc. 26*), the affidavit of attorney time spent (*Doc. 26-2*), *Defendant's Response to Plaintiff's Motion for Attorney Fees Under EAJA* (*Doc. 28*), and the relevant law. The Defendant does not oppose the *Motion*. The Court, therefore, will **GRANT** the *Motion*.

**IT IS THEREFORE HEREBY ORDERED** that Plaintiff's *Motion* (*Doc. 26*) is **GRANTED**, and Plaintiff Jaime Valois is authorized to receive **\$3,042.00** for payment to his attorney for services before this Court, in accordance with *Manning v. Astrue*, 510 F.3d 1246 (10th Cir. 2007).<sup>1</sup>

**IT IS SO ORDERED.**

  
**THE HONORABLE LOURDES A. MARTÍNEZ  
UNITED STATES MAGISTRATE JUDGE  
Presiding by Consent**

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<sup>1</sup> If Plaintiff's attorney is also awarded fees under 42 U.S.C. § 406(b) for work in this case, the smaller of the two awards must be returned to Plaintiff. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).